

// A special meeting of the Council of the City of Lynchburg, recessed from February 24, was held on the 9th day of March, 2004, at 1:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to receive an overview of the Proposed FY 2005 Operating Budget and to begin staff presentations regarding the Proposed FY 2005 Budget. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Following an overview by City Manager Kimball Payne of the Proposed FY 2005 Operating Budget, municipal staff presented individual budget presentations, i.e., Council/Manager Offices, City Assessor, City Attorney/Risk Management Fund, Commissioner of the Revenue, Communications and Marketing, Financial Services, Human Resources, Information Technology, Internal Audit, Registrar/Electoral Board, State Treasurer and Public Works.

// On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel concerning conflict of interest issues which require the provision of legal advice as permitted by Section 2.2-3711(A)(7), Code of Virginia (1950), as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Barksdale made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Adams, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was adjourned at 4:55 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of March, 2004, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Adams gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the February 24 (two meetings), 2004 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works – General, City Council Report #2 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-04-023, as presented, requesting the Virginia Department of Transportation (VDOT) to increase the lane mileage for street maintenance entitlement funds:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Sewer, City Council Report #3 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-04-024, as presented, authorizing the City Manager to execute a contract with Counts and Dobyys, Inc., to construct the Combined Sewer Overflow (CSO) Separation Project entitled "CSO 12.3" generally located in the Perrymont Avenue, Fort Avenue and Johnson Road area:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works – Treatment Plants, City Council Report #4 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-04-025, as presented, authorizing the City Manager to execute a contract with Frizzell Construction Company, Inc., to construct the Abert Water Filter Plant Renovation:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Human Services - General, City Council Report #5 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-026, as presented, amending the FY2004 City/Federal/State Aid Projects Fund Budget and appropriating \$29,000, fully reimbursable, for the Juvenile Detention Alternatives Initiative:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// Mayor Hutcherson announced that Lynchburg's Downtown has been recognized by the Virginia Main Street Program for achieving \$17 million in private investment and more than 24,000 volunteer hours in downtown revitalization.

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #6 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 1012 Dearing Street under Section 36-19.5 of the Code of Virginia. Ms. Connie Snavelly, representing LRHA, outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-04-027, as presented, approving the request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 1012 Dearing Street under Section 36-19.5 of the Code of Virginia:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #7 outlining the petition of Robert Crocker to rezone approximately 2.9 acres at 2134 Old Forest Road from B-1, Limited Business District (Conditional) to B-1, Limited Business District (Conditional) to amend previously approved proffers and allow the use of the property as a lodging house. City Planner Tom Martin outlined the request noting that the Planning Division recommended approval while the Planning Commission recommended denial of the rezoning request. Robert and Wanda Crocker outlined the request and asked for approval. During rebuttal, Mr. Crocker stated that he plans to hire a licensed contractor to construct the building. Mr. Jim Vernon, an architect with Craddock Cunningham Architectural firm, presented drawings of the proposed structure including an outline of what is to be included on each floor of the building. Five individuals, including two adjoining property owners, spoke in support of the rezoning request. Ms. Rebecca Poe, representing property owners in the neighborhood, along with one other property owner spoke in opposition citing concerns regarding the expansion of a business in a primarily residential neighborhood, increased traffic, non-conformity of the proposed building with existing bungalow type homes in the neighborhood, and the inclusion of a 26,000 square foot structure on this site. At the request of City Council, City Planning Commission Chair Wayne Dahlgren, speaking for himself, outlined some of the concerns expressed at the Planning Commission meeting. Mr. Dahlgren also noted that the Commissioners did not have the benefit of the architectural drawings that have been presented at tonight's meeting. There was no one else present who wished to speak to this item. Several Council Members commented regarding the improvements that have been made to this site and voiced support for the proposed expansion. Vice Mayor Dodson voiced concern regarding the huge size of the building proposed for this site. Following discussion, and on motion of Council Member Garber, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #0-04-028, as presented, granting the petition:

Ayes: Adams, Barksdale, Foster, Garber, Seiffert, Hutcherson

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Noes: Dodson

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// In the matter of Community Planning – Community Development, a public hearing was held regarding City Council Report #8 regarding the FY2004-2005 Community Development Block Grant (CDBG) and Home Programs. Prior to beginning the public hearing, Mr. Tom Prest, Chief Executive Officer of the Alliance for Families and Children, stated that the Alliance is withdrawing its request for CDBG funding for FY2004-2005 for the Ways to Work Program. City Attorney Walter Erwin stated that the Alliance's withdrawal of its request eliminates the conflict of interest and allows Council Member Foster to participate in tonight's discussion. City Attorney Erwin also stated that in order to fulfill the requirements of Title 24 of the Code of Federal Regulations, Section 570.611(d)(1)(i), the City of Lynchburg makes the following public disclosure: Council Member Joan F. Foster took office as an at-large member of the Lynchburg City Council on July 1, 2002. Council Member Foster is also the Chief Operating Officer of the Alliance for Families and Children, a private, nonprofit organization, which is dedicated to serving the residents of Central Virginia. The Alliance for Families and Children receives Community Development Block Grant funds from the United States Department of Housing and Community Development (HUD) as those funds are allocated by the Lynchburg City Council. In a March 3, 2004 letter, HUD advised the City that Council Member Foster's simultaneous service as a member of the Lynchburg City Council and as the Chief Operating Officer of the Alliance for Families and Children, constitutes a prohibited conflict of interest under HUD regulations. Pursuant to HUD regulations the City may apply for and is applying for an exception to this prohibition that will allow Council Member Foster to continue her simultaneous service both as a member of the Lynchburg City Council and as the Chief Operating Officer of the Alliance for Families and Children and which will allow the Alliance to continue to receive Community Development Block Grant funds. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote authorized the City to apply for a waiver or an exception to the prohibition and Council by the following recorded vote approved the motion:

Ayes: Adams, Barksdale, Dodson, Garber, Seiffert, Hutcherson

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Noes:

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Abstention: Foster

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Sixteen (16) individuals spoke in support of the following projects: Camp Kum-Ba-Yah Scholarship Assistance—Camp Kum-Ba-Yah, Inc. (\$24,000); Cabell Street Dependency—Lynchburg Historical Foundation (\$30,000); Lynchburg Neighborhood Development Foundation programs; Re-installation of Building Elevator—Free Clinic of Central Virginia (\$79,200); Roof replacement—Virginia University (\$40,000); The Gateway—New Land Samaritan Inn (\$30,000); Rush Homes of Central Virginia—Rush Lifetime Homes (\$9,000); College Hill Neighborhood School (\$25,000); Christmas in April Rehabilitation Project (\$80,000); YWCA Town Center Restrooms—YWCA (\$50,000); YWCA Domestic Violence Prevention Center—YWCA (\$21,000); Emergency Assistance Program—Interfaith Outreach Association (\$14,000); Legacy Museum of African American History—The Legacy Project, Inc. (\$25,500); Red Cross Emergency Housing Assistance (\$25,000); White Rock Hill After School Program—White Rock Hill

Education Center (\$38,000); White Rock Hill Summer Enrichment Camp—White Rock Hill Education Center (\$10,000); and Enhancing Special Needs Housing Opportunities—Miriam's House (\$60,000). A representative of the HOME Program recipients asked that the projects be funded as submitted. There was no one else present who wished to speak. Following the public hearing, Mayor Hutcherson announced that a work session regarding the 2004-2005 Community Development Block Grant (CDBG) and HOME Programs is scheduled for March 23.

// In the matter of Public Works - Water, a public hearing was held regarding City Council Report #9 regarding amending the FY2004 Water Fund Operating Budget and appropriating \$110,000 to initiate a replacement program for 1"-2" water meters. Tim Mitchell, Assistant Director of Utilities, outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-04-029, as presented, amending the FY2004 Water Fund Operating Budget and appropriating \$110,000 to initiate a replacement program for 1"-2" water meters:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of City Code, a public hearing was held regarding City Council Report #10 regarding adoption of an Ordinance to amend the City Code relating to water and sewer rates and connection fees. Utilities Director Dan Sneed outlined the request. There was no one present who wished to speak to this item. Council Member Garber expressed concern regarding the yearly increases in the water and sewer rates and questioned whether or not the City had completed enough combined sewer overflow projects to allow the City to discontinue the program. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #O-04-030, as presented, amending the City Code relating to increases in water and sewer rates and connection fees:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson

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Noes: Garber

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// In the matter of Finance - General, Diane Ray stated that due to medical problems her water was scheduled to be turned off due to her inability to pay her water bill. She questioned the City's policy of requiring a \$75 deposit fee in addition to a \$25 reconnection fee for turning the water back-on. She stated that the deposit fee causes a hardship for individuals on low and/or fixed incomes and some accommodation should be made to allow payment of the deposit fee in installments.

// In the matter of Transit Company, Dr. Rob Jarvis, Community Action Specialist for the Lynchburg Area Center for Independent Living, asked City Council to fund the continuation of the night bus service. Dr. Jarvis asked City Council to consider the negative impact that the loss of night bus service would have on the community and especially to disabled individuals.

// In the matter of Transit Company, City Council Report #13 regarding appropriating \$48,000 to the Greater Lynchburg Transit Company (GLTC) to extend night bus service through June 30 was considered.

Vice Mayor Dodson stated that at the March 2 Finance Committee meeting, it was recommended that City Council consider appropriating funds to continue night bus service through June 30. Vice Mayor Dodson explained that this would allow bus patrons more time to find alternative transportation if night bus service was not funded in FY 2005. Council Members Adams and Garber stated that they could not support the request in light of the current budget situation and the low usage of the night bus service. Other Council Members expressed support for the additional time to allow individuals to find alternative transportation. On motion of Vice Mayor Dodson, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-031, as presented, appropriating \$48,000 to the Greater Lynchburg Transit Company (GLTC) to extend night bus service through June 30, 2004:

Ayes: Barksdale, Dodson, Foster, Seiffert, Hutcherson 5

Noes: Adams, Garber 2

// In the matter of City Code, City Council Report #14 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Foster, Council by the following recorded vote adopted Ordinance #0-04-032, as presented, amending Section 34-14 of the City Code, relating to adjustments to sewer bills:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Internal Audit, City Council Report #15 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Adams, Council by the following recorded vote adopted Ordinance #0-04-033, as presented, amending Section 2-129.15 of the City Code relating to follow-up reviews of Internal Audit Reports:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Council, Resolution #R-04-019 appropriating \$11,350 from the General Fund Reserve for Contingencies to conduct The National Citizen Survey (NCS), laid over from the February 24, 2004 meeting, was again presented and read, and on motion of Vice Mayor Dodson, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson 6

Noes: Garber 1

// The meeting was recessed at 10:05 P.M. to March 16, at 1:00 P.M., to continue departmental budget meetings.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from March 9, was held on the 16th day of March, 2004, at 1:00 P.M., in the Second Floor Training Room, City Hall, Bert Dodson, Jr., Vice President, presiding. The purpose of the meeting was to continue staff presentations regarding the Proposed FY 2005 Budget. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert

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Absent: Hutcherson

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// Municipal staff presented individual budget presentations, i.e., Police Department, Emergency Communications, Fire Department, Human Services, Juvenile Services, Social Services, Parks & Recreation, Public Library, Museum System, Community Planning and Development and Economic Development. Human Services Director Margaret Schmitt presented an overview regarding the 2003-2004 Workforce and Compensation Study.

// Council Member Seiffert left at 5:10 p.m. and prior to the Community Planning and Development and Economic Development budget presentations.

// Council Member Barksdale left at 5:25 p.m. and following the budget presentations.

// Following discussion, City Council agreed to conduct only one public hearing regarding the FY2005 Budget and to move the location of the public hearing to Heritage High School to better accommodate those individuals who are planning to attend.

// The meeting was recessed at 5:30 p.m. to March 23, at 1:00 p.m., to conduct a work session regarding several items, and to meet with the School Board regarding the Schools FY2005 Budget proposal.

Clerk of Council